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PD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/873,897	04/24/92	GELFAND	1- 2303-28

022829 HM11/0114
ROCHE MOLECULAR SYSTEMS INC
PATENT LAW DEPARTMENT
1145 ATLANTIC AVENUE
ALAMEDA CA 94501

EXAMINER

NAFF, D

ART UNIT	PAPER NUMBER
1651	

DATE MAILED: 01/14/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/873,897	4/24/92	GELFAND et al	8636

ROCHE MOLECULAR SYSTEMS INC
PATENT LAW DEPARTMENT
1145 ATLANTIC AVENUE
ALAMEDA, CA 94501

EXAMINER	
NAFF	
ART UNIT	PAPER NUMBER
1651	42

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The information disclosure statement filed 10/7/99 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the statement was filed after a final rejection under 37 CFR 1.113 of 3/19/93 and after a notice of allowance under 37 CFR 1.311 mailed 10/6/99. As specified in MPEP 609 (B(3)) (page 600-109), a statement filed after a final rejection or notice of allowance has been mailed must be accompanied by:

- (A) a statement as specified in 37 CFR 1.97(e);
- (B) a petition requesting consideration of the statement; and
- (C) the petition fee set forth in 37 CFR 1.17(i).

The statement has been placed in the application file, but the information referred to therein has not been considered as to

the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements 5 based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1). As to the statement required under 37 CFR 1.97(e), see MPEP 609 (B(2)) (page 600-107, right col, lines 1-16).

The copies of documents filed 10/7/99 including requests for 10 opposition, declarations and affidavits that applicants state were filed by opponents in opposition proceedings in European and Australian counterparts of the present application will not be considered. The claims in the present application were determined allowable before filing the documents, and applicants state that the documents do not raise 15 issues that have not already been considered in the prosecution of the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is (703) 308-0520. The examiner can normally be reached on 20 Monday-Thursday and every other Friday from about 8:30 AM to about 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, a message can be left on voice mail.

If attempts to reach the examiner by telephone are unsuccessful, the 25 examiner's supervisor, Mike Wityshyn, can be reached at telephone number (703) 308-4743.

Application/Control Number: 07/873,897
Art Unit: 1651

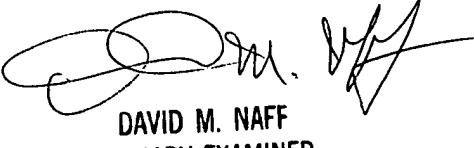
Page 3

The fax phone number is (703) 305-3014 or 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

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10 DMN
12/8/99



DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 1651